

**MEDICAL EXAMINING BOARD
March 16, 2005
MEETING MINUTES**

PRESENT: Dr. Alfred Franger, MD; Dr. Lief Erickson, Jr., MD; Mary R. Cook; Dr. Jon Gudeman, MD; Virginia Heinemann; Dr. Sujatha Kailas, MD; Dr. Jack Lockhart, MD; Daniel Miota, DO; Dr. Ian Munro, MD; Dr. Gene Musser, MD; Dr. Sandra Osborn, MD.

EXCUSED: Dr. Bhupinder Saini, MD

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Board Counsel; Tina Horton, Bureau Assistant

GUESTS: Mark Grapentine, WI Medical Society

CALL TO ORDER

Chair Alfred Franger, MD, called the meeting to order at 8:05 a.m.

APPROVAL OF AGENDA

CORRECTIONS:

- Agenda Item B was withdrawn

ADDITIONS:

- Correspondence/Memorandum from Gil Lubcke from the Department of Regulation and Licensing: Recommendation for Non Disciplinary Remedial Education Program (03/15/05).
- DOE three year case update report for the Medical Examining Board.
- Fax copy submitted in the matter of Kern A. Reid, MD.
- Proposed decision in the matter of John F. Powers, P.A., LS 0501271 MED.
- DOE death case report dated 03/15/05.
- Information in the matter of Sonia Espinoza-Ripp, MD requesting waiver of taking clinical skills part of USMLE step 2.
- Memo from the Oregon Medical Examiners regarding an "Appropriate Prescribing Workshop"
- Administrative Warning in the matter of 05 MED 097.
- Administrative Warning in the matter of 05 MED 096.
- DOE Case Closing Report.

MOTION: Dr. Gudeman moved, seconded by Dr. Lockhart, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

AMENDMENTS: On page 10, Dr. Lockhart was not the case advisor in the matter of the three month stay of suspension of David Onsrud, DO. He did abstain from the voting in this matter.

MOTION: Ms. Heinemann moved, seconded by Ms. Cook, to approve the minutes of February 16, 2005 as amended. Motion carried unanimously.

REPORT OF SCREENING PANEL

Virginia Heinemann reported that 48 cases were screened: 30 were not opened; 15 were opened, 3 require more information.

DISCUSSION-STATE ATTORNEY CONSOLIDATION PLAN

General Counsel, Steve Gloe discussed with the Board the Governor's Attorney Consolidation Plan.

MOTION: Ms. Heineman moved, seconded by Dr. Lockhart that Dr. Musser and Dr. Franger will draft a letter on behalf of the Medical Examining Board to the Co-Chairs of the Joint Finance Committee, with a copy to the Governor's office, conveying their objection to the Governor's Attorney Consolidation Proposal. The bureau director will assist. Dr. Franger will approve the letter before it is mailed. Motion carried unanimously.

CONSIDERATION OF APPOINTMENT TO THE RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL-ANN M. MEICHER, RCP

MOTION: Dr. Kailas moved, seconded by Dr. Erickson, to accept the appointment of Ann M. Meicher, RCP, to the Respiratory Care Practitioners Examining Council. Motion carried unanimously.

ADMINISTRATIVE REPORT-SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

Noted.

PRACTICE QUESTION-BRANDING, SCARIFICATION AND COSMETIC SURGERY- DAVID CAMMILLERI AND JOEL GARB (EMAIL REQUEST)

The Board decided by consensus that scarification and branding do not constitute the practice of medicine.

**REQUEST FOR REVIEW OF 7 YEAR RULE-WIS. ADMIN. CODE § MED 1.06
(3)-JAMES VERBSKY, MD/PhD-ST. LOUIS, MO**

After discussion, the board decided to have Dr. Lockhart research further into how and when this rule was established. This matter will be held over until such time as the research has been completed.

**FSMB DRAFT STATEMENT TO DEA RE: 3/60 PRESCRIBING AND BOARD
REVIEW OF PROPOSED COMMENTS-DR. SAINI**

No action was taken.

INFORMATIONAL ITEMS

All items were noted. In addition, Ms. Heinemann brought copy of a letter written to the Department of Regulation and Licensing's Coordinator for the Impaired Professional Program, Deanna Zychowski, from the Federation of State Medical Boards. The letter recognizes her outstanding contributions to the field of medical licensure and discipline. The Bureau Director expressed appreciation of Ms. Zychowski's work on behalf of the Department.

MOTION: Ms. Heinemann moved, seconded by Dr. Kailas, that the Medical Examining Board congratulates Deanna Zychowski on her selection as the 2005 recipient of the FSMB Meritous Service Award. This award is to be presented to her in recognition of her many outstanding contributions in the field of medical licensure and discipline. The Medical Board also thanks her for her 50 years of service to the Board. Motion carried unanimously.

CLOSED SESSION

MOTION: Dr. Munro moved, seconded by Dr. Osborn, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats., for the purpose of deliberation of proposed orders and objections, deliberation of proposed stipulations, final orders and decisions, reviewing requests for stays of suspensions and modifications of orders, issuing complaints, ratifying licenses and certificates, reviewing case status report, meeting and discussion with the Division of Enforcement and consulting with legal counsel. Roll call vote: Mary Cook- yes, Lief Erickson – yes, Alfred Franger – yes, Jon Gudeman – yes, Virginia Heinemann – yes, Sujatha Kailas – yes, Jack Lockhart – yes, Daniel Miota – yes, Ian Munro – yes, Gene Musser – yes, Sandra Osborn – yes. Motion carried unanimously.

The Board convened into closed session at 9:57 a.m.

RECONVENE TO OPEN SESSION

MOTION: Dr. Lockhart moved, seconded Dr. Munro, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:49 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Dr. Munro moved, seconded by Ms. Heinemann, to reaffirm all motions made during closed session. Motion carried unanimously.

DELIBERATION OF PROPOSED DECISION IN THE MATTER OF MATTHEW CLAYTON, MD-CASE ADVISOR DR. ERICKSON

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to accept the proposed decision. Dr. Erickson was not present for deliberation and did not vote. Motion carried.

DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF WILLIAM HOBBS, MD-CASE ADVISOR DR. LOCKHART

MOTION: Dr. Gudeman moved, seconded by Dr. Kailas, to reject the stipulation and recommend more detailed remedial action be provided. Dr. Lockhart abstained from deliberation and voting. Motion carried.

DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST KERN A. REID, MD – CASE ADVISOR DR. MUSSEY

MOTION: Dr. Kailas moved, seconded by Dr. Gudeman, to accept stipulation. Dr. Mussey abstained from deliberation and voting. Motion carried.

CONSIDERATION OF ADMINISTRATIVE WARNING IN THE MATTER OF 05 MED 096

MOTION: Dr. Franger moved, seconded by Dr. Miota, to accept the administrative warning in the matter of 05 MED 096. Motion carried.

**CONSIDERATION OF ADMINISTRATIVE WARNING IN THE MATTER OF
05 MED 097**

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to accept the administrative warning in the matter of 05 MED 097. Motion carried.

**PROPOSED DECISION IN THE MATTER OF DISCIPLINARY PROCEEDINGS
AGAINST JOHN F. POWERS, P.A., LS 0501271 MED**

MOTION: Dr. Erickson moved, seconded by Dr. Miota, to accept the proposed decision. Ms. Heinemann left the room during deliberations and did not vote. Motion carried.

CONSIDERATION OF COMPLAINT IN THE MATTER OF 02 MED 56

MOTION: Ms. Cook moved, seconded by Ms. Heinemann, to find probable cause in this matter. Dr. Lockhart and Dr. Miota abstained from deliberations and voting. Motion carried.

**REQUEST FOR RECONSIDERATION OF APPLICATION FOR LICENSE IN
THE MATTER OF AILEEN HSUEH**

MOTION: Ms. Cook moved, seconded by Dr. Kailas to grant a license to Aileen Hsueh. Dr. Gudeman abstained from deliberations and voting. Motion carried.

**DISCUSSION OF STATUES AND RULES EXAMINATION QUESTIONS-
DARWIN TICHENOR**

Darwin Tichenor discussed a content outline concerning examination questions with the Board.

**CONSIDERATION OF CASE CLOSING IN THE MATTER OF 02 MED 497-
DRS. SAINI AND OSBORN-ATTORNEY ARTHUR THEXTON**

MOTION: Dr. Osborn moved, seconded by Dr. Munro, to close the case in the matter of 02 MED 497. Dr. Kailas abstained. Motion carried.

**REQUESTING WAIVER OF CLINICAL SKILLS PORTION OF USMLE
STEP 2-SONIA ESPINOZA-RIPP, MD**

MOTION: Dr. Franger moved, seconded by Ms. Heinemann, to reject the request of Dr. Espinoza-Ripp. Motion carried.

REQUESTING FULL REINSTATEMENT-JOHN POSER, MD

MOTION: Dr. Munro moved, seconded by Dr. Franger, to grant full reinstatement of licensure in the matter of John Poser, MD. Motion carried.

REQUESTING THREE MONTH STAY-BENJAMIN BEGLEY, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Munro, to grant the three month stay but to deny the request for a reduction in screens and to discontinue current medications. The board will consider the therapist change from Dr. Goldstone to Steven Roberts only after a recommendation is submitted to the board by Dr. Goldstone. The board also added that Dr. Begley must seek a mentor that is another health care provider and appear before the board at an appropriate time in the future. Motion carried.

REQUESTING THREE MONTH STAY-J GREGORY HOFFMANN, MD

MOTION: Dr. Munro moved, seconded by Dr. Osborn, to grant the three month stay in the matter of J Gregory Hoffmann, MD. Motion Carried.

REQUESTING THREE MONTH STAY-JEFFREY JUNIG, MD

MOTION: Dr.. Miota moved, seconded by Dr. Erickson, to grant the three month stay in the matter of Jeffrey Junig, MD. Dr. Kalias and Dr. Gudeman abstained. Motion carried.

REQUESTING THREE MONTH STAY-RAYMOND KOZIOL, DO

MOTION: Dr. Miota moved, seconded by Dr. Lockhart to grant a one month stay. The board will review Mr. Koziol's screens before making a determination on his future stays. Dr. Gudeman abstained. Motion carried.

REQUESTING THREE MONTH STAY-THOMAS STRICK, MD

MOTION: Dr. Munro moved, seconded by Ms. Heinemann, to grant the three month stay for Thomas Strick, MD. Motion carried.

POSSIBLE VIOLATION OF THE BOARD ORDER-PAUL RUSSO, DO

MOTION: Dr. Lockhart moved, seconded by Dr. Osborn, to find that Mr. Russo was in violation of the board order as of March 16 and to suspend Mr. Russo's license. Dr. Miota abstained. Motion carried unanimously.

DOE CASE CLOSINGS

MOTION: Dr. Lockhart moved, seconded by Dr. Munro, to close case 04 MED 036 for no violation. Motion carried.

MOTION: Dr. Lockhart moved, seconded by Dr. Miota, to close case 04 MED 202 for no violation. Dr. Munro abstained. Motion carried.

MOTION: Dr. Erickson moved, seconded by Dr. Miota, to close case 04 MED 094 for no violation. Dr. Munro abstained. Motion carried.

CONSIDERATION OF REMEDIAL EDUCATION CASES RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA

MOTION: Dr. Munro moved, seconded by Dr. Kailas, to accept the recommendation in the matter of 05 MED 029.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Dr. Lockhart moved, seconded by Dr. Osborn, to ratify all licenses presented in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:51 p.m.